

Vol. 14, No. 6

June 1961

# CHURCH & STATE

A MONTHLY REVIEW

**Subsidies for Church Schools?**

**A Constitutional Amendment?**

**Subsidies Around the World**

**Church Bread Raises Dough**

**Anti-Clericalism Accelerates**



# Our New Look

Dr. Louie D. Newton, president of National POAU, comments as follows on the new enlarged REVIEW which makes its appearance with this issue: "When the first modest POAU newsletter appeared May 15, 1948, few would have been so optimistic as to predict it would grow into the finished 16-page journal of June, 1961. I rejoice in the progress of POAU which this growth symbolizes. I predict that the enlarged REVIEW will not only be bigger but better, for Glenn Archer and his fine staff will now have an adequate vehicle for this important phase of the POAU educational program."

Dr. Charles Clayton Morrison, honorary president of POAU; "The enlarged format of the REVIEW is, I hope, a token of the larger role the organization must come to play on the national scene. We are proud of what the organization has done. We see in it a significant and permanent group contributing vitally to the nation's health."

Dr. Herbert S. Southgate, recording secretary of National POAU: "This is a great moment in the history of POAU. Those who predicted the organization would die in 12 months understood neither the dynamism of the POAU leadership nor the gravity of the problem it faces."

We have deep appreciation for these gracious words from our officials and for others from a legion of friends across the nation who have written to wish us well. It is our profound hope that the larger format will permit us to provide more significant and comprehensive guidance in the church-state field.

You can help us. What better moment than to send your check, together with your name and address, and become one of our contributing readers?

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## IN THIS ISSUE

Vol. 14, No. 6

June, 1961

Aid for Church Schools . . . . .	3
Editorials . . . . .	4
Catholicism Cost Kennedy Votes . . . . .	5
Anti-Clericalism Accelerates . . . . .	6
Subsidies Around the World . . . . .	7
Miami Bible-Reading Case . . . . .	9
Church Bread Raises Dough . . . . .	9
Far and Near . . . . .	10
Vatican Fights the UN . . . . .	10
Paul Blanshard Says . . . . .	11
The Law in Action . . . . .	13
Captive Schools . . . . .	14
Alaska Bus . . . . .	15

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# Federal Aid to Church Schools

## HIGHER EDUCATION

Encountering only token opposition, the President's aid to higher education bill speeded through the House sub-committee headed by Rep. Edith Green (D., Ore.), and appeared destined for prompt approval by the full committee headed by Adam Clayton Powell (D., N.Y.). Mrs. Green made it clear that she did not want the church-state issue aired in connection with the legislation.

A statement on the church-state aspects of the legislation was placed in the record of the sub-committee by C. Stanley Lowell, associate director of POAU. He criticized the greatly widened Federal aid to church colleges envisaged in the bill. He pointed out that whereas loans had previously been available only for dormitory construction, now they would be extended to classrooms where theology might be taught and, presumably, to chapels where worship would be conducted. Mr. Lowell suggested elimination of church colleges from Federal aid programs, such institutions to be identified by three criteria: (1) ownership of property, (2) the governing board and (3) the institution's announced purpose.

Mr. Lowell warned that if a wider program of aid to church colleges should be approved, it might be impossible to test its Constitutionality in the courts. He urged that if such legislation were to be passed at all, Congress ought to include a "built in" provision by which any taxpayer would be able to test the Constitutionality in the Supreme Court. Provisions in the bill for supporting grants to colleges (including church colleges) in connection with scholarships, drew the fire of the POAU leader. He argued that the program could readily be used "as a conduit to channel Federal funds into church institutions." "Constitutionality becomes as valid a consideration for Congress as for the courts," he said. "Congress must assume responsibility to uphold the Constitution in its church-state provisos."

Also included in the aid-to-higher education program was a proposed extension of the Defense Education Act of 1958. The proposals include an increase in the amounts of the fellowship grants and also in the supporting grant paid directly to the institution. It would forgive up to one-half of the amount of college loans to borrowers who become college teachers, church colleges included. The program of loans to private elementary and secondary schools to strengthen teaching in science, mathematics and foreign languages would also be widened. The loans would be "softened" by a further reduction in the interest rates.

## ELEMENTARY EDUCATION

Aid to parochial elementary and secondary schools seemed to be losing ground despite an unprecedented pressure campaign sponsored by the Roman Catholic bishops. The bishops had announced that the least they would accept as a price for letting a general school aid bill pass would be the including of long-term, low-interest bearing loans for construction of parochial schools. The Catholic lobby and Catholic political pressure around the country girded to achieve this goal. A bill providing for such loans, S. 1482, was introduced by Senators Clark and Morse. It became known as "the Catholic bill." Then came President Kennedy's legal memorandum which stated that such loans were quite as unconstitutional as grants. Instead of dropping all unconstitutional demands, the bishops apparently decided to demand grants! Said Msgr. Frederick G. Hochwalt, the bishops' representative; "If loans and grants are on the same constitutional basis we are asking for grants." Commenting on the prospects of a bill for straight grants, Msgr. Hochwalt said: "This would go a long way towards solving the problem. It would be better than waiting 50 years for the passage of piecemeal legislation. If the problem is unsolvable, it would show what people think. If it went against us, I would recommend dropping our plans."

Presently it was announced that hearings on the "Catholic bill" for loans which had been scheduled in a Senate sub-committee April 17 and 18 had been "indefinitely postponed." It was rumored that Catholic Action would seek withdrawal of this bill and substitution of another calling for direct grants to Catholic schools. Some informants insisted that the bishops would seek to attach a Catholic grant program to the main education bill.

There was further jockeying as to whether the Green college aid bill, strongly supported by the hierarchy, or the administration's bill, providing aid for public elementary and secondary schools, would be brought to the floor first. If the administration's public school aid bill came out first and passed, it was felt the college aid bill might then be defeated. Should the aid to higher education bill pass with its greatly increased and widened benefits for church colleges, there was no doubt that the Catholic drive to achieve subsidies for lower schools would be greatly accelerated. The Catholic REGISTER hailed Congresswoman Edith Green for her leadership and called her sub-committee's approval of the aid-to-higher education bill the "first favorable action toward aid to private education."

## • Editorials •

### "Respecting an Establishment"

The language of the First Amendment was wisely chosen. "Congress shall make no law respecting an establishment of religion. . . ." Dr. Charles Clayton Morrison, one of the distinguished founders of POAU, has frequently commented on the significance of the word "respecting." Congress is not alone prohibited from passing laws which would establish religion, but also laws which would point in that direction.

The inhibition in the word is widely inclusive. Any law that pertains to the establishment of religion — any law which inclines to such an establishment—or implies it or suggests it—is forbidden. The intent was to keep government out of religion, to assure "masterly inaction" by the state in this entire area of concern.

It is the comprehensiveness of the word "respecting" which indictas as unconstitutional many proposals that have been made in Congress and some which may have been passed into law. The proposal to provide long-term, low interest-bearing loans for construction of church schools is a prime example. Under this proposal government becomes banker for the churches. The government involves itself in the financial arrangements of the churches. Such a proposal may not be one to establish religion, but it is obviously one "respecting an establishment of religion."

#### Higher Education

President Kennedy's aid to higher education program should be scrutinized in the light of "respecting." The plan is to provide government credit for the construction of any kind of building the church college might want to erect. This would presumably include chapels for religious worship and class rooms in which theology would be taught. Would

this be legislation "respecting an establishment? We think so. We believe the Supreme Court would think so, provided a way could be found to bring the issue before that body.

We take "respecting an establishment" to mean *inclining toward substantial involvement*. The traditional Thanksgiving proclamation by the President is in a sense a spiritual or religious act of an official nature. But it is not unconstitutional for it does not incline toward involvement. It projects no interlocking of government with religious organizations. The same could be said of "In God We Trust" printed on legal tender of the United States government; or of the phrase "under God" in the pledge of allegiance. These are acts neither establishing religion nor respecting an establishment of religion.

The words at the head of this editorial are among the most far-reaching in the Constitution. They deserve constant study and unfailing application to new proposals involving the state and churches.

### How To Settle It

In this critical battle over tax dollars and parochial schools, we hear a great deal about the way Constitutional prohibitions against subsidies to church schools can be evaded and avoided. We are repeatedly told that if men of goodwill can only sit down together and discuss the problem without "sectarian bias" that "ways can be found" to assist parish institutions with public funds.

We find fault with the teaching of Professor Sutherland of Harvard and others of his school of thought who try to build a legal principle on the basis of minuscule exceptions. It impresses us that their elaborate exegesis is an effort to "get around" what appear to be rather plain Constitutional inhibitions in the matter of public aid to religious institutions. These men seem to be trying very hard to find a legal way of doing

something which has long been considered illegal and which has about it still the tincture of illegality. Vast ingenuity is being expended in deviousness.

#### Gray Areas

There is much talk of "gray areas" in which the Constitutional ban may or may not apply. Some argue that this could be done but not that; some argue for that but not this. The most optimistic advocate of grants or loans for church schools would claim no more than the thinnest possible margin of Constitutionality for his proposal.

It impresses us that there is a way out of all this deviousness. If Constitutionality is thus admittedly dubious, why not resolve the issue in a straightforward and honorable way—through a proposal for a Constitutional amendment which would unequivocally permit Congress to make appropriations for church institutions? If this is the goal desired, then that is the way to attain it. Why is it that in all the discussion of the Constitutionality of aid to church schools we have not once heard this proposal advanced? It ought to be advanced by proponents of public aid to Catholic schools. Why be devious when it is possible to be forthright?

### Dialogue or Propaganda?

Msgr. Frederick G. Hochwalt of the National Catholic Welfare Conference closed his TV debate with Dr. Oswald C. J. Hoffmann by suggesting that a national foundation set up a citizen's commission to consider the issue of public aid to Roman Catholic schools.

Discussion of issues in a democracy is good, and we are all for discussion of this one. The trouble with the discussion or dialogue that we have observed up till now in this issue is that it has been heavily weighted in favor of Roman Catholic

(Continued on next page)

propaganda. Protestants and Jews have often been chosen not from among the forthright defenders of "money-line" separation but from among those notoriously confused and soft in their thinking and, indeed, from among those quite ready to concede subsidies to Catholic institutions. It is to be hoped that the discussions which Msgr. Hochwalt envisages will be something more than the traditional chorus for Catholic subsidies with which we have become familiar.

Specifically, we are thinking of a well-known Fund for the Republic dialogue on church-state problems. The list of leading speakers, arranged for by a Catholic executive, lacked balance. The most vigorous separationists among Protestants were not invited. The management of the discussions and the preparation of the summary of the discussions was mainly in the hands of advocates of Catholic subsidies. The opposition discussion from the floor was not published with the main addresses.

#### Format Dictators

Many church-state discussions on TV and radio have been similarly shaded. The hierarchy of the Roman Catholic Church has often been permitted by supine managers of these media to dictate the terms and personnel of such discussions. Recently a POAU official was invited to appear in a TV debate with a Catholic priest. The priest was suddenly withdrawn by his superior with the explanation that no priest would be permitted to appear with a POAU official.

The program director should, of course, have stood firm for a bona fide debate. Instead, he actually dropped the POAU official from the program and let the hierarchy name its own opposition!

Thus, by the device of refusing to play unless it can control the game the hierarchy has frequently been able to manipulate the entire public

discussion of aid to parochial schools in a way that is loaded in favor of its own position. Another variation of the theme is to insist that a Catholic representative cannot appear in debate with a Protestant as this seems to pit "brother against brother." The church then agrees to accept a Jew as the opponent thus cleverly conveying the idea that only a small Jewish minority is opposing Catholic claims. So Bishop John J. Wright of Pittsburgh recently warned priests against participating in ecclesiastical debates on

the school issue with Protestant leaders. Fortunately, this rule has not always been followed, and some Catholics and Protestants have challenged each other on the air.

One fact must be made clear: there is a vast body of public opinion in this country that opposes subsidies for the Roman Catholic Church or its schools. This body of opinion is too big to be ignored or left out. If there is to be a discussion in depth of church-state issues, let it be representative and let it be honest.

## Did Catholicism Cost Kennedy 1,500,000 Votes?

A new study of the religious issue in the last presidential campaign asserts that, contrary to earlier reports, President Kennedy's Roman Catholicism cost him at least 1,500,000 net votes. While his religion helped him in certain large cities in which at least 80 per cent of the Catholic voters swung to his support, this gain was more than offset among Protestant voters throughout the nation the study claims. Anti-Catholic votes, it is reported, saved Mr. Nixon from a more serious defeat.

The study of the last presidential campaign was made by the University of Michigan Survey Research Center, supported by a grant from the Rockefeller Foundation. It indicates that Catholic voters who had divided about 50-50 in Eisenhower's victories in 1952 and 1956 voted for Kennedy in the ratio of 80 to 20 in 1960. Reckoning in all factors, the survey estimated that Mr. Kennedy's religion, because of this Catholic shift, caused a 4-per-cent shift in the national vote in his favor.

However, Mr. Nixon, according to the study, made an even larger net gain, estimated at 6 per cent of the national voting total, because of the religious issue. Thus, the survey in-

dicated that Nixon scored a net gain of 1,500,000 more "shift" votes than those which shifted to Mr. Kennedy because of his Catholicism. (Neither candidate polled a majority of votes cast, and Mr. Kennedy won with only 49.7 per cent of the total vote.)

The chief defections from the Protestant Democratic vote to Mr. Nixon were among those Protestant voters who attended church regularly, these defections running to 35 per cent nationally and 40 per cent in the South. Among Protestants who attended very seldom, the defections were only 10 per cent.

The authors of the survey reported: "There can be little doubt that the religious issue was the strongest single factor overlaid on basic partisan loyalties in the 1960 election."

The study infers that if Kennedy had been a Protestant, he would have won by a much larger margin. The results contradict studies of the same issues made by the Republican National Committee and other organizations. The Michigan scholars agree with other analysts, however, that the television debates increased the Kennedy vote and may have actually decided the outcome.

# Anti-Clericalism Accelerates

As a direct product of the public battle over Federal aid to parochial schools, striking growth is apparent in American anti-clericalism. The nation has been remarkably free from this phenomenon throughout most of its history.

As the very term suggests, anti-clericalism is not a thesis but an anti-thesis. The thesis is clericalism, which provokes anti-clericalism. The prehensile and predatory tactics of the Roman Catholic Church produced the anti-clerical aspects of the French Revolution of 1789. Similar tactics produced similar results in the Mexican Revolution and the constitution promulgated in 1917. The same tactics produced the same result in Spain from 1931 to 1936, though clerical reaction is again dominant today.

## Leads to Rioting

In Belgium there have been repeated riots over the issue of aid to schools as the clergy has repeatedly sought additional concessions from government. In France the banked fires of anti-clericalism are being fanned anew by the recent successful assault on church-state separation under DeGaulle. In Haiti the Duvalier government and the church are deadlocked over the question of continuance of the subsidies to the church, all to the accompaniment of anti-clerical overtones. In Mexico the church is slowly creeping back into the public picture and a drive for a renewal of subsidy can be expected. This will be greeted with the traditional counter-offensive, which bears the name anti-clericalism.



Typical of the century-old struggle over Roman Catholic school subsidies in Belgium is this Brussels street scene in 1956. The riots were organized by the Social Christian (Roman Catholic) Party for the purpose of enforcing the church's demands for tax funds—"Ninety million and not a penny less," was the cry.

## American Style

Anti-clericalism in the United States will assume its own form just as most things in the United States assume their own form. It will not be characterized by violence or brutality. It will likely be free of the extreme measures that have characterized anti-clericalism in many other lands. American anti-clericalism will be scholarly but it will be in deadly earnest. It may take the form of a massive protest, which might conceivably carry to the point of civil disobedience.

The shape of American anti-clericalism is well exhibited in a statement of Dr. Harold E. Fey which appeared as an editorial in *The Christian Century* Feb. 1, 1961:

**Cardinal Spellman has not changed his mind. His aim is still to compel Protestants, Jews and others to support a wholly controlled function of the Roman Catholic Church. The compulsion is in the use of the taxing powers of the Federal government to raise funds for the Catholic schools . . . American Protestants will never pay taxes to support Catholic schools . . . If Congress is pressured into enacting such laws, we will contest them in the courts. If the courts reverse themselves and declare such laws constitutional, we will still refuse to pay these taxes, paying whatever price is necessary to preserve religious liberty in a pluralistic society.**

Dr. Fey, a Disciple, is echoed by Rev. O. James Remington, a Baptist, pastor of the Lincoln Park Church in Newton, Mass. He voices his anti-clericalism in language reminiscent of Roger Williams or Martin Luther: "If there is a new bill passed or an amendment added to the present bill whereby Federal aid is granted to parochial schools, I am conscientiously forced to take the position of non-payment of Federal taxes . . . I am so moved by the issue of Federal aid for parochial schools I would be perfectly willing to go to jail to prove my opposition to it."

Such utterances make clear what is causing the birth of anti-clericalism in the United States. It is not bigotry; it is not anti-Catholicism. It is, rather, a determination to keep the hands of the clergy out of the public treasury. When the drive for official preference ends, opposition and resentment can be expected to end, too.

## Left-Handed Law

*From the March 19, 1961 bulletin of St. Rocco's Roman Catholic Church, 3205 Fulton Ave., Cleveland Ohio.*

**INTERNAL REVENUE:** We have again received a call inquiring about three more persons having claimed to contribute large sums to the church. In reality they have not! The pastor has this solution—these known people will be billed, by our church, for the stated amount, and if not paid will be exposed to the authorities! We hope that you have a clear conscience. . . .

# Subsidies Around The World

The Roman Catholic Church has a string of victories to its credit around the world in its battle for tax support of parochial schools.

Some of its schools are fully supported by the public treasury, as in the Irish Republic and Spain, with almost complete church domination of the entire educational system. Controversy in other countries, such as France, started with a minor bid for tax support and moved later into a triumph for general substantive support.

The pattern often shows a public apathy after the initial Catholic victory. In 1944 sectarian groups, both Protestant and Catholic, won the "religious settlement" which provides extensive support for Catholic schools in England.

New Zealand and the United States are among the few nations which have retained strong school systems under democratic, public control. The lines of dispute are similar. The Catholic education council, representing 47,000 school children out of 430,000 in New Zealand, last November petitioned the government for public support. The Royal Commission is expected to make its report soon. The American bishops are currently pressuring the Congress to initiate an aid program for Catholic schools here.

Following are some examples in the public vs. private school picture around the world:

**ISRAEL:** Approximately 25 percent of Jewish children attend "state religious schools" aided by payments based on tuition costs. State supervision of the curricula and teachers is a requirement for state aid.

**NETHERLANDS:** Public support for sectarian and private schools has reduced the public schools to a minority level. Public funds pay all the costs but there also is public inspection. Instruction in religion and morals is given in all the schools by the clergy. In primary grades, Catholics enroll 43 per cent of the pupils, Protestants 27 per cent and public schools have 28 per cent. The remaining two per cent are in non-sectarian private schools.

**SWEDEN:** The Evangelical Lutheran Church is the state church and religious instruction is offered in the public schools. Catholics and Jews may be excused if instruction is given by their own clergy. Any denomination may start its own school but the only church-related school is a small one in Stockholm.

**UNITED KINGDOM:** Government subsidies in England and Wales vary in the extent of religious control. The controlled schools, publicly financed, use a religious instruction syllabus agreed upon by all denominations. Schools aided by their churches to the extent of 25 per cent, determine their own religious instruction. Roman

Catholic and Anglican schools are in this category. Roman Catholics expect \$61 million in construction subsidies during the next 10 or 15 years. Protestant Scotland finances sectarian schools completely but exercises some government control.

**SPAIN:** Complete union of Church and State in Spain under the Franco-Vatican concordat requires the free flow of government funds into all phases of church activities, even "to maintenance of the clergy and religious activities." In addition, the state guarantees teaching of the Catholic religion in all schools, "whatever their level and purpose."

**AUSTRIA:** The government gives the Roman Catholic Church \$4 million (American equivalent) a year under a special agreement with the Vatican, plus a subsidy for sectarian schools.

**BELGIUM:** Grants to sectarian schools are on the same basis as to public schools for operating costs but not construction. Sectarian schools in a recent year received \$74 million for salaries of nuns and other teachers. There are approximately 80,000 Protestants in the nation and the government pays 80 Protestant ministers for religious instruction in the public schools.

**FRANCE:** Church schools, which enroll 42 per cent of all secondary pupils, gave the De Gaulle government one of its major crises in 1959. Subsidies previously were on a basis of "maintenance scholarships" but this was extended to direct aid under Catholic pressure—the Church of President de Gaulle. About \$40 million was made available for the sectarian schools in 1960-61 but later costs may soar to \$140 million.

**IRELAND:** All schools are under religious management or a system of religious control with public financing. About 95 per cent of the children are in Roman Catholic schools. The Constitution is almost the reverse of that in the United States, prescribing that "the state shall not oblige parents in violation of their conscience and lawful preference to send their children to schools established by the state, or to any type of school designated by the state."

**ITALY:** There is a modified form of church-state union in Italy with even the priesthood on the public payroll and currently clamoring for higher salaries. Private schools, enrolling 700,000 compared to the 5,800,000 in public schools, are subsidized and may use government-owned buildings. Catholic dogma must be taught in public schools but pupils may ask for exemption.

**WEST GERMANY:** Church-related schools receive some grants for salaries and can obtain state aid for other needs. Premier Adenauer, a Roman Catholic, sent his government into court in 1956 to prevent a provincial government from discontinuing parochial school subsidies.

**POLAND:** The Roman Catholic Church claims 93 per cent of the population but is handicapped by the Communist government in exercising its normal control of edu-

(Continued on next page)

cation. Parents may request religious instruction for their children in public schools. Teachers of Catholic dogma are paid by the Communist state.

**HUNGARY AND YUGOSLAVIA:** Both these Communist states also pay salaries and construction-maintenance expenses to churches of all denominations, including the Roman Catholic, out of Government tax funds. (This kind of "persecution" the Catholic Church evidently wants in America).

**LATIN AMERICA:** Church-state policy varies considerably in Central America while in South America there is usually government help for the Roman Catholic schools.

Brazil provides some support for religious schools at the secondary level. Its support for religious colleges and universities is substantial, carrying most of the costs of these institutions.

Guatemala, with both public and religious schools, provides some support for religious schools. The assistance also is small in Nicaragua and in El Salvador, but there is none in Honduras. Costa Rica, with an elaborate public school system, provides no help for private schools.

"All public schools in British Honduras are religious institutions," according to Roman Catholic Bishop David F. Hickey, S.J., of Belize. "Each religious denomination supplies the managers and teachers for schools, and they are

paid by the Government. Most of the schools in British Honduras are run by Catholics because they comprise 60 percent of the population." (Italics ours—ED.)

Catholic schools in Colombia get considerable help from the government but Protestant schools get none. That is the general pattern for all of South America.

**MEXICO:** The government requires private non-church schools to provide proof of financial stability before they are allowed to open. There is no government aid for church schools, and no official permission to operate.

**HAITI:** The concordat with the Vatican provides \$255,-000 a year for the Roman Catholic Church, mostly for parochial schools.

**CANADA:** In several Canadian provinces tax-payers support both a public school system and a "separate" religious system. Quebec has *no* public schools but only Catholic and Protestant schools. In Quebec the Protestant schools are "separate" and in Ontario the Catholic schools are "separate." Canada has had no national rule against the use of public money for sectarian schools but some Ontario taxpayers are now challenging public tax grants to Catholic schools as unconstitutional. Catholic schools are maintained by Catholic real-estate tax-payers and the public schools by the non-Catholic tax-payers. Childless tax-payers must still pay the school tax.

## Dissident Catholic Voices

Since the Roman Catholic bishops of the United States made a "moral pronouncement" on the subject of Federal aid to Catholic schools, apparently not a single member of the hierarchy has spoken in opposition. Some strong lay voices have, however, been heard. For example, the Diocesan Council of Catholic Men of Corpus Christi, Texas, went on record as being "opposed to tax-supported direct aid to private and parochial schools." The Council declared that the stand was taken "not alone on constitutional grounds, but from concern that such governmental aid leads to governmental regulation beyond the enforcement of minimum accrediting standards."

William Clancy of New York, formerly an editor of *Commonweal*, declared in Washington in April: "With only 50 per cent of Catholic children being educated in Catholic schools at present, must we not concede that the old slogan 'every Catholic in a Catholic school' when ap-

plied from kindergarten through graduate level is neither practical nor always desirable." He suggested the possibility of eliminating early grades in parochial schools and sharing facilities with local public schools.

## Protestants Decline School Use

A Protestant group in the New Orleans area has turned thumbs down on a proposed compromise to permit after-hour Protestant religious teaching in public schools as part of a deal to permit Catholic instruction.

Rev. Ralph Blevins, pastor of the First Baptist Church of Arabi and chairman of the St. Bernard parish organization of Citizens on Religion in the Public Schools, said: "We have no desire to use public schools for any purpose . . . and we didn't ask for any permission."

The St. Bernard parish school board made the "compromise" offer after the Protestant group objected to Catholic instruction in public schools. J. R. Gehrkin, board presi-

dent, said that Catholic students in most of the schools were given released time to attend classes outside the schools. In two wards, because of limited church facilities, school buildings were used.

Mr. Gehrkin claimed that catechism classes previously taught in school buildings during school hours were discontinued after complaints. Mr. Blevins responded that he didn't "see how an hour of religious instruction can be given if five hours of regular curricular subjects are to be taught in accordance with state law."

The school board brought a new factor into the verbal battle with a charge that Protestant churches had used school buildings to launch Protestant churches. Mr. Blevins said "this is no excuse for continuing it" and that his group opposed it. Promising to continue the fight, Mr. Blevins added: "No Protestant group to my knowledge, and certainly no one on my committee or anyone represented by anyone on my committee, desires to use public school facilities in any way."

# Bible Reading CaseAppealed

The famous Miami Bible-reading case ended in an unsatisfactory draw in April when Circuit Judge J. Fritz Gordon upheld the legality of Bible reading and the recitation of the Lord's Prayer in public schools under certain circumstances, but prohibited sectarian holiday observances in public schools, the showing of religious movies and the use of school facilities for after-school religious classes.

The plaintiffs in this case, three Jewish parents, a Unitarian and an agnostic, had asked through their attorneys for the elimination of Bible reading, the Lord's Prayer, baccalaureate programs, the display of all religious symbols, and the use of school facilities at any time for religious instruction. The plaintiffs were represented by the American Jewish Congress and the American Civil Liberties Union, with Leo Pfeffer of the former organization as chief counsel.

The lawyers announced that the case would be appealed to the Florida Supreme Court and if necessary to the United States Supreme Court. They hailed three of Judge Gordon's rulings as "a victory for religious freedom" and as "landmark rulings" which "signal a historic advance in the effort to protect the public school child from invasions of his religious conscience."

## Conditional Acceptance

Judge Gordon did not rule that Bible reading per se is illegal but he accepted it conditionally, pointing out that "there is no evidence before the court except in an isolated incident that any comment or explanation was made on the verse read from the Bible and there is express restriction in the act itself from so doing." Judge Gordon argued that daily Bible reading did not amount

to religious instruction. (Religious instruction *per se* in public schools is forbidden under the 1948 decision of the United States Supreme Court in the McCollum case.)

At the same time Judge Gordon ruled that the use of Miami school buildings after school hours by the

## Support Fading

The Roman Catholic Church is losing public support in its bid for tax aid to finance parochial schools.

A Gallup poll shows that 57 per cent of the people believe tax funds should be confined to public schools, compared with 49 per cent in 1949 when a House bill raised the issue. Similarly, only 36 per cent now think Catholic and other private schools should share in the funds compared to 41 per cent 11 years ago. The number without opinion dropped from 10 per cent to 7.

Catholic voters today favor government aid to sectarian schools in a ratio of 66 to 28, with 6 per cent having no opinion. Protestants favor public aid for public schools only, in a ratio of 63 to 29, with 8 per cent undecided.

Child Evangelism Fellowship should cease. Judge Gordon's rulings did not stop recitation of the Lord's Prayer or religious hymns, nor did they ban all religious symbols. Baccalaureate programs were held permissible after school hours if attendance was optional and there was no evidence that the speakers engaged in religious teaching.

## Monk's Bread Raises Big Dough

A nation-wide promotion campaign with all the most approved, built-in public relations techniques, is under way to promote the virtues of Monk's bread—which is declared to be the food of "an unusual group of men" at the Trappist Abbey of the Genesee, N. Y. "This remarkably satisfying food" has now been made available to the public and its production has become a big commercial operation.

Church-state experts have been much interested in the tax status of Monk's bread. They have wondered whether it pays the same profits tax as other corporations with which it competes. It is known that the Roman Catholic Church claims full exemption from profits taxes for all commercial operations of its subsidiaries.

Vying for the church bread business is St. John's of St. Cloud, Minnesota. Franchises for the production of St. John's bread have been leased for royalties around the country and it is believed that substantial profits have resulted.

"We came to need something affording sound financial status . . . a continuing source of income," said Fr. Walter Reger, humorously described as president and board of directors of the St. John's Bread Co. "We lease the franchises and collect the royalties." This began in 1958 and the material progress of St. John's University at Collegeville, Minnesota, and related projects, has been notable since that time. About this operation, too, a question was being raised: Does the St. John's Bread Co. pay the same Federal profits tax as its competitors?

## NEWS From Far and Near

The Vatican is appealing to the Italian government for a raise in annual subsidies to needy priests, now at \$500, to \$2,700. It also is asking hospital and social security benefits because of the decline in the number of priests. Milan, largest and richest diocese, now has one priest for every 1,572 persons compared with one for 473 in 1860.

Eduardo Nari, justice of the peace near Buenos Aires, was suspended from office because he refused to restore a crucifix to his office wall. Roman Catholic leaders made the protest.

*Osservatore Romano*, voice of the Vatican, says "the founding and running of private schools must be made possible through strict equality with public schools." It was referring to a German situation, but there were obvious overtones for the United States.

Will the Roman Catholic Church drop its lower grades in parochial schools because of increasing costs? Bishop Lawrence J. Shehan of Bridgeport and Father Neil McCluskey of *America* have raised the question but it has drawn little favorable response because of fears the children would remain in the public schools.

Catholic religious orders and institutes which abandon any distinguishing religious garb are becoming more powerful partly because of resistance to the antiquated and overconspicuous costumes of some orders. The most important men's organization, committing its members to poverty, chastity and obedience is Opus Dei, which is very powerful in Spain, but with branches in Mexico and the United States. An American organization for nuns without costume is the Daughters of the Heart of Mary headed by a Superior who continues to be called "Miss" and wears ordinary clothes.

Northern Ireland, predominantly Protestant, is alarmed by the large birth-rate of Catholics. The Minister of Labor says only 2.2 children per family are needed for replacement and suggests family allowances increase only for the first three children.

The Roman Catholic parochial school problem is magnified by the sharp decline in teaching nuns and the continued increase in students. The church reports a 91 percent gain in pupils and only a 20 percent increase in nuns in recent years, forcing employment of lay teachers at salaries.

Father William Ferre of Puerto Rico suggests that Catholics camouflage their church control of schools by identifying them as a "voluntary school system" and refer to the public schools as "the official school system." This is similar to the semantic strategy in France where Catholic schools are called "free" and public schools referred to as "state" schools.

The Ontario Public School Trustees' Association says government grants to Roman Catholic schools in that province probably are unconstitutional. Their brief calls for a government investigation. The Constitution of Canada forbids taxation for schools other than those of the taxpayer's faith but Ontario requires a provincial tax which helps support Roman Catholic schools.

## Vatican Fights UN in Congo

A special correspondent of the *Washington Post*, Russell Howe, has revealed that the Roman Catholic Church in the Congo is actively campaigning against the United Nations in that country. He says: "In Leopoldville, the main torch for the powder is the Catholic Church-owned local press, which campaigns for expulsion of the UN force—which would automatically involve withdrawal of the civil operation too, since this could not operate unprotected, on the ground that the UN is a Communist organization."

Mr. Howe in his dispatches has revealed that a Leopoldville Catholic daily which is fighting the United Nations is wholly owned by the Workers Christian Movement, called MOC, which "gets its policy from the church hierarchy so that the loyalist area's only daily newspaper is directly controlled by the Vatican." The chairman of the administrative board of the newspaper is head of the Confederation of Christian Trade Unions, with headquarters in Belgium. This is the Catholic Trade Union International which is seeking to build up both Belgian and Catholic financial and clerical control in the Congo against the UN.

### One Man's View

Everybody pays (for schools); everybody should benefit. But the sad fact is that people who support private schools (and especially Catholics) have long been abashed enough to let the local gentry walk all over them and make them pay for what they cannot enjoy. It would seem to be time for another Boston Tea Party.

—Archbishop William O. Brady of St. Paul on Federal aid to education



## Paul Blanshard Says

I propose to devote this column in this and future issues of the REVIEW to background, factual ammunition which may be useful to the average citizen fighting for the separation of church and state.

My emphasis on this page will be on solid documentation which can be used, with citations and sources, by editors, clergymen and laymen in meeting the arguments of those who would distort our Constitution and break down Jefferson and Madison's wall of separation between church and state by the devices of misrepresentation and half truth. Eventually I expect to wander all over the globe in bringing to REVIEW readers pertinent facts from other countries which may help us in our struggle to maintain America's separation of church and state.

Since we are now engaged in a dramatic battle in Washington over the rights and wrongs of federal aid to sectarian schools, I shall devote this first feature to certain basic questions and answers on sectarian aid and the law.

If you are not a lawyer, you may have some difficulty or reluctance in approaching legal cases. Many public libraries do not carry legal reports. However, any law librarian will help you to find your way about, and any good law library, either public or private, is likely to carry the important cases on church-state law with which every POAU "minute-man" should be familiar. When, for example, you read a citation, 330 US 1, it means volume 330 of the reports of cases by the United States Supreme Court, page 1. When you read a citation 217 Ind. 340, it means volume 217, page 340 of the case reports of the Supreme Court of Indiana. If you want a good book on the whole problem of church-state law in the United States, I recommend Leo Pfeffer's *Church, State and Freedom*. A briefer treatment is contained in my *God and Man in Washington*.

There are three famous cases with which every POAU member should be thoroughly familiar because they constitute our legal charter for maintaining the separation of church and state under the Constitution. They are the Everson (New Jersey) bus case, 330 US 1; the McCollum religious instruction case, 333 US 203; and the Zorach released time case, 342 US 306.

### KEY QUESTIONS

*Do Catholic parents have a constitutional right to receive tax grants for parochial school expenses?*

No. They have a constitutional right to send their children to parochial schools under the case of *Pierce v. Society*

*of Sisters* (268 US 510) but this does not give them any claim upon the public treasury. On the contrary, religious claims upon the public treasury have been specifically repudiated by the United States Supreme Court and are forbidden by most state constitutions. The United States government has never made any general or across-the-board grants to parents or sectarian schools for maintenance of the central activities of such schools, although incidental grants have been authorized for special situations; for sectarian schools in "impacted" military areas, for example, because the government has moved Armed Forces' families out of their normal environment into such areas.

When the Supreme Court in the Everson bus case in 1947 permitted local tax expenditures for parochial school buses under the federal Constitution, the judges went out of their way to say that "we do not mean to intimate that a state could not provide transportation only to children attending public schools."

Today there is not a single state, city or town in the United States which lawfully provides public money directly for the general operating expenses of a sectarian school for ordinary American children. Those towns which provide public money for "captive" Catholic schools pretend that the schools are actually public schools, and thus evade both the letter and the spirit of the Constitution.

*How about the statements so often quoted in the Catholic press from Supreme Court Justice William O. Douglas in the Zorach case that: "We are a religious people whose institutions presuppose a Supreme Being"; and "The First Amendment, however, does not say that in every and all respects there shall be separation of church and state."*

These statements were used by the Supreme Court only to justify the very limited, non-financial cooperation between public schools and churches involved in released time religious classes away from public class rooms, *without tax support*. Justice Douglas and the Court in this Zorach decision went on to forbid financial help to sectarian work specifically by saying: "Government may not finance religious groups nor undertake religious instruction nor blend secular and sectarian education nor use secular institutions to force one or some religion on any person."

### "Discrimination"

*"Don't we discriminate against Catholic parents and their children when we subject them to double taxation by making them pay for parochial school costs?"*

No one "makes" a Catholic parent pay parochial school costs, unless it is a domineering priest. There is no double taxation involved. All parents are invited to send their children free of charge without creedal distinction to our free American public schools. About half of the Catholic parents in the United States accept this invitation. The other half send their children to parochial schools which are owned and controlled completely by one church and which propagate Catholic doctrine in *all* phases of the curriculum.

*(Continued on next page)*

There is only one taxation system in the United States, that of the government. Under our law contributions to sectarian schools are voluntary. No one is required to assume the self-imposed burden of any voluntary, extra-government contributory system.

It would discriminate against all non-Catholic taxpayers and it would also negate the "free exercise" of their religion if they were required to pay one to two billion dollars to support centers of indoctrination attached to a single church in order to satisfy the financial demands of the Catholic minority of the American people.

The same principle applies to all public and private services. When public services are available to all citizens on a non-discriminatory basis, the citizen who refuses them cannot claim discrimination. The non-commissioned officer in the army who insists on an allowance for a privately tailored uniform, the landowner who demands a publicly supported private beach, the patron who insists on tax grants for his private library—all these citizens who ask that the public pay for private facilities when public facilities are available, have no more right to cry "discrimination" than the man who likes whiskey better than water and is refused public taxes to pay for his drinking preference.

*Isn't it true that the Supreme Court has never specifically and in so many words ruled that tax grants or loans to parochial schools for their ordinary operations are unconstitutional?*

Yes, because the Supreme Court never rules specifically on problems that are not before it, and no national Congress or state legislature has ever been so foolish as to pass a law for the *general* support of parochial schools by tax grants or loans. The mere absence of a specific ruling is no argument for a distorted interpretation of the Constitution. Hundreds of clearly illegal actions have never been passed on by the Supreme Court.

But the Supreme Court has again and again affirmed the principle of the financial separation between church and state in cases where questions of particular public expenditure for sectarian schools have been raised. In the Everson bus case it said: "No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion." This statement was repeated in the famous McCollum case, and a similar statement was made in the Zorach case in 1952. There is no indication that the Supreme Court has changed its mind on this issue.

Of course, fringe benefits such as school lunch funds and appropriations for medical services have been put in a separate category. It is generally conceded that welfare benefits to children as children are constitutional if they are not organically connected with the sectarian school system.

### The Matter of Loans

*Are not public loans for parochial schools in a separate class from public grants? Granted that outright gifts would be unconstitutional, how about loans?*

It is true that loans are not as clearly unconstitutional as grants but the extension of the government's credit to a church institution is still a form of financial aid which seems to be forbidden by the Supreme Court's interpretation of the First Amendment. As the government pointed out in its legal memorandum in March, the Supreme Court has even ruled that the First Amendment forbids the lending of a public classroom for religious instruction to a religious organization. Then the government memorandum added: "The lending of public property and the lending of public credit are constitutionally equivalent forms of government assistance."

The government also said in this memorandum that "the across-the-board loan would inevitably facilitate religious instruction." If the government acted as a banker for churches, it would be bound to *participate* in the affairs of these religious organizations, and the Supreme Court has specifically forbidden the government to "participate in the affairs of any religious organizations or groups."

Government loans to parochial schools also raise the serious question: How would the government foreclose upon a Catholic school if it defaulted on its loan? Would the federal government take over the school and operate it in opposition to state and local school systems? It should be remembered that while parochial schools might promise in good faith to repay government loans, (1) there would not be any practical way to make them pay without extensive interference in religious affairs by the government; and (2) the Catholic press would continue its unremitting campaign to convince its own people that they are morally entitled to grants that should not be repaid.

### New Catholic Strategy

As this issue of the REVIEW goes to press, the Catholic Church has apparently abandoned its drive for across-the-board loans and grants in Washington and, to use the words of Cardinal Spellman, is now committed to a drive for funds "to church related schools to finance the construction of non-religious facilities." The device suggested for accomplishing this purpose is an amendment to Section 305 of the National Defense Education Act of 1958. This act permitted loans to parochial high schools under some circumstances for equipment for science, mathematics and modern languages. Under the new scheme "physical fitness" would be added to these purposes, and general building loans would be permitted.

Several progressive senators are promoting the change in this law as part of a package deal to win Catholic support. POAU has alerted all its chapters to oppose any deal with the Catholic church which would compromise the principle of church-state separation.



Close cooperation between missionary groups and the Peace Corps program was admitted in a statement of the director, Robert S. Shriver, a Roman Catholic. He has written in the Corps official guide: "A project which meets Peace Corps criteria and standards will not be barred from receiving Peace Corps support because it is sponsored by a religious or sectarian group."

In the state of Maine the legislature is still struggling with proposed legislation to allow the appropriation of funds for the operation of buses for parochial schools. Three bills are under consideration: (1) to authorize such appropriations by the state; (2) to authorize local counties or school districts to take such action by local option and (3) to authorize a state wide referendum on the subject. No. 2—local option—is out of committee and has passed a second reading.

Roman Catholic action in Minnesota is driving hard in the state legislature to obtain free transportation to parochial schools. "This is not . . . aid to private schools; transportation is inherently a service to the individual," said Sen. Henry M. Harren in introducing the bill. Opponents contended that such a use of public funds would violate the state's constitution.

A questionnaire for city employees asking for their race, religion and national origin, in Pittsburgh, was headed for a test as to constitution-

ality in the Supreme Court of Pennsylvania.

California Attorney General Stanley Mosk has ruled that Los Angeles County violated the state constitution when it received approximately \$20,000 of public money for the financing of a play, sponsored by the Protestant Pilgrimage Play Association, depicting key scenes from the life of Jesus.

According to an Associated Press dispatch, the Christian Brothers of California make 40% of the brandy consumed in the United States. The Christian Brothers are still involved in a California lawsuit, claiming \$490,000 refund of corporate profits taxes on the ground that the organization is exempt because all property belongs to the Pope; and the U.S. government is counter-claiming \$1,351,000.

City Court Judge Sidney Z. Davidson of Rochester, N. Y. provoked an angry uproar when he laughingly used the sentimentalities of St. Patrick's Day as an excuse to let off speeders with Irish surnames. Those with the lucky names were given suspended sentences or had their charges dismissed with a merry quip. William Joyce, Jr. who admitted driving 50 m.p.h. on Genesee Park Boulevard, drew the convulsing comment; "Maybe the policeman who gave you the ticket was an Orangeman. Judgment suspended." Franklin Shaugnessy who pleaded guilty to speeding was favored with: "We couldn't have an Irishman plead guilty on St. Patrick's Day. Case dismissed."

Discrimination against non-Protestants was ruled out by New Jersey's highest court but discrimination against drinkers, gamblers and smokers was upheld. The occasion was a ruling on a bequest to Amherst College which would have set up scholarships restricted to "Protestant Gen-

tile boys . . . not given to gambling, smoking, drinking or similar acts." The college contended that the sectarian stipulation ran counter to its charter which precluded religious discrimination.

Msgr. Francis J. Lally, editor of the *Pilot*, official publication of the Boston Roman Catholic archdiocese, and militant Catholic actionist, has been named chairman of Boston's Redevelopment Authority which administers the city's \$90,000,000 urban renewal program.

A bill for humane slaughter of animals, favored by the New York Humane Society, was indefinitely postponed in the New York State Assembly after Orthodox rabbis contended that it might interfere with the Jewish Shechita method of slaughtering. The majority of American Jews do not agree with the strict Orthodox interpretation of "kosher" meat, but most official Jewish organizations support the Shechita tradition and legislators are reluctant to oppose such organizations.

Two North Dakota public schools are to start receiving funds previously denied them by the state board because of allegedly illegal religious practices being carried on in the classrooms. The charge at Peterson was that Catholic students were using public school buses and that mass and catechetical instruction were being offered on school time. At Elgin it was found that both Roman Catholic and Protestant children were being excused from classes for religious instruction.

Educational or benevolent organizations which discriminate against persons on account of religion, race, color, or national origin, would lose their property tax exemption status under terms of a bill now in the Wisconsin state legislature.

## Captive School Battle Continues

POAU's national battle against the capture of public schools by orders of Catholic nuns continues in Texas, Kansas, Kentucky and other states. Protestant leaders in Texas are planning an appeal from a ruling by state officials in the case of the Bremond, Texas "captive" school which has been operated by Catholic nuns for many years and bears the name "St. Mary's School" on its exterior, surmounted by a cross. The legal appeal, which may be tried in either a state or a Federal court, is in charge of Lyndon Olson of Waco, Texas.

Many religious symbols have been removed from the Bremond "captive" school as a result of a suit filed by Texas taxpayers but the plaintiffs maintain that the school is still essentially a parochial school as long as it is operated under the auspices of Catholic nuns in costume. The suit is partially based upon Article I, Section 7 of the Constitution of the State of Texas which reads:

No money shall be appropriated or drawn from the Treasury for the benefit of any sect, or religious society, theological or religious seminary; nor shall belongings of the state be appropriated for any such purpose.

The contention of the Texas plaintiffs is that the operation of St. Mary's School in Bremond as a "public" school is a "benefit" to the Roman Catholic Church. The school has been listed for years in Catholic directories as a parochial school, and until recently Catholic religious instruction was given during the school day to pupils by the priest or by nun teachers. The religious instruction in school hours has been dropped at least temporarily during the present suit.

### Kansas Too

A similar captive school situation in Hays, Kansas in which two "pub-

lic" schools are being operated as essentially Catholic schools by orders of teaching nuns, is still continuing in spite of protests to the Hays school authorities by Protestant leaders. Two schools taught and operated by nuns are called respectively Jefferson West and Jefferson East in public school directories but, carved in stone and steel on the exterior of these schools are the revealing names "St. Joseph's School" and "Immaculate Heart of Mary School." Symbols of Roman Catholicism abound in the schools, with a ten foot statue of the Virgin Mary dominating one of them.

This situation is still described as an "emergency" because the local Catholic parish was in financial difficulties 20 years ago when the nuns were moved to the public payroll in a financial "emergency." Negotiations for a return of the schools to the Catholic payroll have not been successful.

### And Colorado

A somewhat similar situation concerning a public school captured by Catholic nuns has developed in Antonito, Colorado, a community which is about 85 percent Catholic. (We reproduce in an opposite column the letter of a responsible citizen published in the *Denver Post* of April 2, 1961 concerning this situation.)

After the protest appeared in the Denver paper, a Catholic spokesman accused the protesting citizens of being subservient to POAU's "apostles of discord."

In a letter to the *Denver Post*, C. Stanley Lowell, Associate Director of POAU replied:

"It is true that POAU has cleaned out many nests of Catholic captive schools in various parts of the country. These are so-called public schools, paid for by the taxpayer, whose teachers are named by the officials of the church and merely approved by the public school board, whose walls are lined with the insignia of a religious denomination, with the doctrines of this group forced upon children in the classrooms during school sessions. . . .

## End Run at Annapolis

Another Roman Catholic college in Maryland has clipped the taxpayer for a good amount in a kind of maneuver which virtually prohibits any court test of its constitutionality.

This time it is Mount St. Mary's College which stands to score with \$500,000, or just \$250,000 less than Loyola College made off with two years ago.

Governor J. Millard Tawes in April signed into law Senate bill No. 535 which sets up the grant for Mount St. Mary's. It was introduced by Senators Samuel W. Barrick (Frederick) and George W. Della (6th, Baltimore).

The bill grants the Catholic school \$500,000 contingent upon the college raising another \$500,000 by Jan. 1, 1963. It is for an enlarged science building which the bill says the school "urgently needs."

About the only excuse the legislation offers for the grant is that St. Mary's has "received no prior state assistance" as other private institutions and that these in turn "relieve the burden on state institutions."

Making the legislature's gift, which now has the governor's blessing, doubly obnoxious is that nothing can be done in behalf of the poor taxpayer. The courts have held his financial interest is not sufficient for status in court to test the constitutionality of such a law.

The score to date: Loyola College in 1959, \$750,000; Mount St. Mary's College in 1961, \$500,000? What Roman Catholic school is next?

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"This organization defends separation of church and state as enunciated in the First Amendment to the federal Constitution and the laws of most of our states, including Colorado. A cardinal feature of separation is that the instrumentalities of the public, including compulsory school attendance laws shall not be used to impose any religion on anyone."

# Alaska Supreme Court Outlaws Tax Funds For Parochial Buses

## Nuns Teaching in Public Schools

MAY we say to those of you who are taxpayers in the state of Colorado and who have become properly indignant over federal aid to parochial schools that for the past twenty-five years our so-called public schools here in Antonito, Colo. have been fully staffed by Catholic Sisters of the Order of St. Benedict. It is very definitely under the control of an all-Catholic board of education.

To those who are familiar with the missionary zeal of the members of this faith we do not have to explain that this means that our school is controlled by the Catholic Church.

The salaries of these Sisters are paid from tax revenue, in part, and from the general educational fund set up by the State of Colorado. Because of their vow of poverty, the salaries paid to them are voluntarily or involuntarily turned over to the Catholic Church. Argument is offered in support of this contribution. The fact remains that none of the money is spent locally.

All protests against the continued operation of the schools, as they have been and as they continue to be, have been ignored by the local board of education and all pleas to state officials for help have met with the reply that the local board is acting within the law when it refuses to restore the schools to the public.

Many of us here in Antonito are praying that the controversy which has resulted from this issue before the people, will awaken the citizens of the state and the nation to the de-

termination of this group to weaken and to destroy if necessary, our public school system. The state of New Mexico has found it necessary to prohibit the staffing of its public schools by the nuns.

Protestant children should not be forced to attend schools under Catholic Sisters who have many opportunities to influence the impressionable minds of children whether or not the class schedule lists a period labeled "Religion."

If Catholic parents prefer that their children attend Parochial schools that is their unquestioned right. If we pre-



fer that our children attend school away from the influence of the Catholic Church, that, too, is our right.

As a Protestant minority, here in Antonito, we plead with others who share the responsibility of guarding our precious inheritance of religious freedom, to demand such legislation in our state, as shall ensure the protection of our public schools from such manipulation as prevails in our town. Such legislation should be swiftly enacted and rigidly enforced.

Name Withheld on Request.  
Antonito.

Photographic reproduction of letter in the Denver Post, April 2, 1961

Antonito, Colorado, is one of about 250 communities in some 20 States which have "captive schools"; that is, schools which have been taken over by a religious denomination and integrated into its parish indoctrination program. Bills for these "captive schools" are, of course, paid for by the taxpayers.

A significant victory in the fight against tax appropriations for parochial school buses was scored in April when the Alaska Supreme Court, in a 2 to 1 decision, ruled such appropriations unconstitutional. Chief Justice Buel A. Nesbitt and Associate Justice Harry O. Arend concurred in the ruling. Associate Justice John H. Dimond, a Roman Catholic, filed a strong dissent. The court overruled the decision of District Court Judge Vernon Forbes. The State of Alaska, which had opposed the grants, was the victor.

Mr. and Mrs. Lawrence Quinton attempted to force the School Board of the Fairbanks, Alaska schools to provide transportation at public expense for their daughter to Immaculate Conception School after the Board refused such aid.

The Alaska court's ruling is regarded as especially significant because it came after the recent Connecticut bus case and because the Alaska court called the ruling of the United States Supreme Court in the famous (New Jersey) Everson bus case "unpersuasive." The Everson (New Jersey) bus decision had been widely relied upon by nearly all Catholic applicants for public bus funds throughout the United States. The Alaska Supreme Court pointed out that the Alaska Organic Act proscribed "any public money" for non-public schools, and that bus funds constituted a "benefit" to such schools. The court also held that parochial school bus grants violated the new Alaska Constitution which says:

The legislature shall by general law establish and maintain a system of public schools open to all children of the state and may provide for other public educational institutions. Schools so established shall be free from sectarian control. No money shall be paid from public funds for the direct benefit of any religious or other private educational institution.

The court added that . . . "in our opinion the furnishing of such transportation at public expense constitutes a direct benefit to the school," thus supporting the dissenting opinion of Justice Rutledge of the United States Supreme Court in the 5 to 4 Everson (New Jersey) bus case. By inference the Alaska court rejected the "child benefit" theory for the use of school funds for bus transportation.

Justice Dimond, in his dissenting opinion, denounced the majority ruling as "harsh and unjust" and claimed that the denial of bus funds to Catholic parents "has the coercive effect of restricting the natural rights of parents." It is believed that Catholic organizations will support an appeal of the decision to the United States Supreme Court.

The Alaska Supreme Court decision is considered an important moral and legal victory for San Francisco attorney Henry C. Clausen who has been an active opponent of public appropriations to sectarian schools on the Pacific coast.

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